



KAPLAN KIRSCH ROCKWELL

227982



October 13, 2010

**Via Hand Delivery**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

OCT 13 2010

Part of  
Public Record

**Re: The Maryland and Delaware Railroad Company – Modified Certificate of Public Convenience and Necessity and Town of Chestertown – Request for Interim Trail Use  
STB Docket No. 29830**

Dear Ms. Brown:

This firm represents the Maryland Transit Administration (“MTA”), the fee owner of the line that is the subject of the above-listed proceeding. On behalf of the Town of Chestertown, I am enclosing an original and ten copies of the Notice of the Town of Chestertown of Consummation of a Trail Use Agreement for filing in the above-referenced matter. The Town of Chestertown has entered into a trail use agreement with MTA.

This Notice relates to (a) the Notice of Partial Termination of Modified Certificate of Public Convenience and Necessity filed by the Maryland and Delaware Railroad Company and (b) Request for Interim Trail Use filed by the Town of Chestertown, both on September 22, 2010. The Board’s Decision in response to the Town’s request is pending. On October 8, 2010, MTA provided a letter to the Board confirming its consent to MDDE’s partial termination and the Town of Chestertown’s request for interim trail use.

Please date stamp the additional enclosed copy of the Notice and return it to our courier. Please contact me with any questions about the enclosed.

Sincerely,

Allison I. Fultz

Enclosure

**Attorneys at Law**

Denver • New York • Washington, DC

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# Town of Chestertown

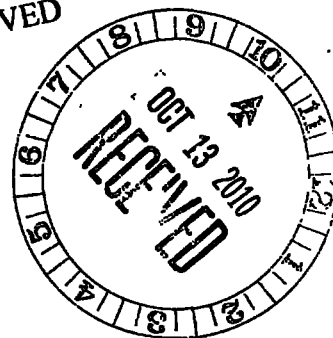
118 N. Cross Street, Chestertown, MD 21620  
tel: 410-778-0500 fax: 410-778-4378  
email: office@chestertown.com  
url: www.chestertown.com

Mayor  
Margo G. Bailey  
Council  
James R. Gatto  
Gibson B. Anthony  
Mabel Mumford-Pautz  
Mauritz Stetson  
Town Manager  
William S. Ingersoll

Maryland Transit Administration  
Real Estate Division

OCT 05 2010

RECEIVED



September 28, 2010

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re: NOTICE OF CONSUMMATION OF TRAIL USE AGREEMENT – STB Docket No. 29830 –  
Maryland and Delaware Railroad Company – Modified Rail Certificate: Request of Town of  
Chestertown, Maryland, for Interim Trail Use Pursuant to 49 C.F.R. § 1152.29

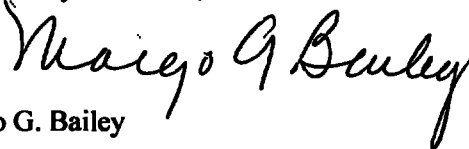
Dear Ms. Brown:

The Town of Chestertown, Maryland, a municipality within the State of Maryland (the “Town”), hereby submits this notice that the Town has entered into a trail use agreement with the Maryland Transit Administration, a modal agency of the Maryland Department of Transportation, acting for and on behalf of the State of Maryland (“MTA”), the owner of the subject line, for the following rail segments located in Chestertown, Kent County, Maryland (collectively, the “Line”): (a) a portion of the line known as the Chestertown Secondary Track, extending from valuation station 993+45 to valuation station 1071+41, and (b) the right-of-way known as the Strawboard Branch from valuation station 0+00 at High Street on the Chestertown Secondary Track to its terminus at valuation station 50+40, comprising a total distance of approximately 2.0 miles. A map of the Line is attached hereto as Exhibit A.

The Maryland and Delaware Railroad Company (“MDDE”) filed a Notice in this proceeding on September 22, 2010, partially terminating its Modified Certificate of Convenience and Necessity to operate freight service on the Line. MDDE’s service on the Line will terminate effective as of November 21, 2010.

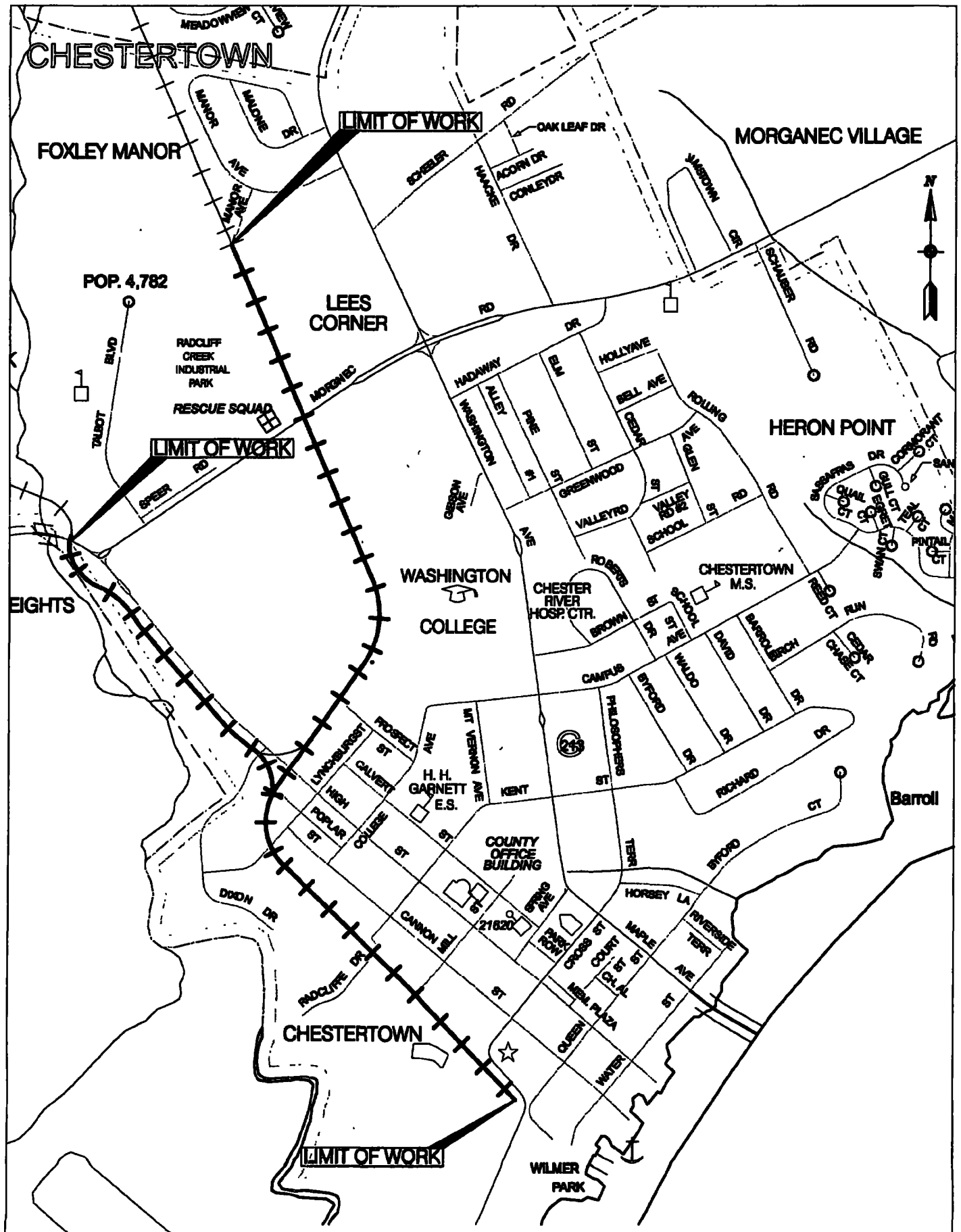
The Town submitted its request for a notice of interim trail use (“NITU”) in this proceeding on September 22, 2010. The Town has executed a statement of willingness to assume financial responsibility in accordance with the requirements of 16 USC 1247(d) and 49 CFR 1152.29(a) (“SWAFR”). That statement was previously submitted to this Board on September 22, 2010.

Respectfully submitted,

  
Margo G. Bailey  
Mayor

**Exhibit A**

**Map of the Railbanked Portions of the Chestertown Secondary Track and Strawboard Branch**



## FIGURE 1

**Exhibit A**

**Map of Property**

**[attached hereto]**

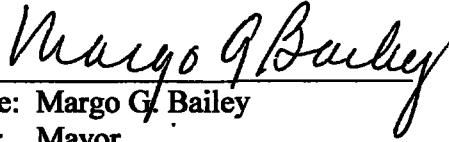
## **CERTIFICATE OF SERVICE**

I certify that I have this 28th day of September 2010, caused copies of this Notice of Consummation of Trail Use Agreement of the Town of Chestertown, Maryland, to be served by first class mail, postage prepaid on the parties listed below:

Charles A. Spitulnik  
Allison. I. Fultz  
Kaplan Kirsch & Rockwell, LLP  
1001 Connecticut Ave., NW  
Suite 800  
Washington, DC 20036  
Counsel for Maryland Transit Administration

Maryland and Delaware Railroad Company  
106 Railroad Avenue  
Federalsburg, MD 21632-1407

Edward G. Banks, Jr.  
Banks, Nason & Hickson  
A Professional Association  
113 South Baptist Street  
P.O. Box 44  
Salisbury, MD 21803-0044  
Counsel for Maryland and Delaware Railroad Company

  
\_\_\_\_\_  
Name: Margo G. Bailey  
Title: Mayor